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## ”Big Brother” in South Africa?

Nicolas Péjout

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**TEN YEARS OF  
DEMOCRATIC  
SOUTH AFRICA  
TRANSITION  
ACCOMPLISHED?**

BY

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AND PHILIPPE GUILLAUME

*Les Nouveaux Cahiers de l'IFAS / IFAS Working Paper Series* is a series of occasional working papers, dedicated to disseminating research in the social and human sciences on Southern Africa.

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## SUMMARY

For the past ten years, South Africa has been progressively coming out of the apartheid system. Although all ties with the former regime have been severed completely, managing the heavy structural legacy has made the transition a difficult as well as an ambivalent process - difficult because the expectations of the population contrast with the complexity of the stakes which have to be dealt with; and ambivalent because the transition is based on innovations as well as continuities.

The contributions gathered in this book will try to clarify the trajectory of that transition. Offered analyses share a critical look, without complacency nor contempt, on the transformations at work. Crossing disciplines and dealing with South Africa as an ordinary and standardised country that can no longer be qualified as being a “miracle” or an “exception”, gives us an opportunity to address themes that are essential to understanding post-apartheid society: land reforms, immigration policies, educational reforms, AIDS...

This issue of IFAS Working Papers is the translation of a book published with Karthala publishers to celebrate 10 years of the Research section of the French Institute of South Africa (IFAS) and to highlight its major contribution to constructing francophone knowledge on Southern Africa.

## RÉSUMÉ

*Depuis dix ans, l'Afrique du Sud sort progressivement du système d'apartheid : si les ruptures avec l'ancien régime sont nettes, la gestion d'un héritage structurel lourd rend cette transition à la fois difficile et ambivalente. Difficile car les attentes de la population contrastent avec la complexité des enjeux à traiter. Ambivalente car cette transition est faite d'innovations et de continuités.*

*C'est cette trajectoire que les contributions réunies ici tentent d'éclairer. Les analyses proposées partagent un regard critique sans complaisance ni mépris sur les transformations à l'œuvre. Le croisement des disciplines et le traitement de l'Afrique du Sud comme un pays ordinaire, normalisé, sorti des paradigmes du « miracle » ou de l'« exception », donnent l'occasion d'aborder des thèmes essentiels à la compréhension de la société post-apartheid : réforme agraire, politique d'immigration, réformes éducatives, sida...*

*Ces Cahiers sont la traduction d'un ouvrage paru chez Karthala en 2004 à l'occasion des dix ans d'existence du pôle recherche de l'Institut Français d'Afrique du Sud (IFAS) afin de souligner sa contribution majeure à la construction des savoirs francophones sur l'Afrique australe.*

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chapter two

# “big brother” in south africa?

electronic government and panoptic control  
under and after apartheid

**nicolas péjout**

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## ABSTRACT

*The apartheid regime was characterized by a specific use of Information and Communication Technologies (ICTs) as techno-political resources dedicated to rationalize the inner State structure and strengthen its grip on the society. Despite the end of apartheid, ICTs are still considered and used as tools of State control, as illustrated with the Home Affairs National Identification System (HANIS). If a relevant legislative framework and the mobilization of civil society organizations were lacking, this could lead to the emergence of a Big Brother State.*

## RÉSUMÉ

*Le régime d'apartheid était caractérisé par l'utilisation spécifique des Technologies de l'Information et de la Communication (TIC) comme ressource techno-politique visant la rationalisation de la structure interne de l'Etat et le renforcement de son emprise sur la société. Malgré la fin de l'apartheid, les TIC sont toujours considérées et utilisées comme des outils de contrôle de l'Etat, ainsi que l'illustre le Système National d'Identification du Ministère de l'Intérieur sud-africain (HANIS). Si un cadre législatif pertinent et la mobilisation des organisations de la société civile venaient à faire défaut, on pourrait voir émerger un Etat à la Big Brother.*

*The telescreen received and transmitted simultaneously. Any sound that Winston made, above the level of a very low whisper, would be picked up by it, moreover, so long as he remained within the field of vision which the metal plaque commanded, he could be seen as well as heard. There was of course no way of knowing whether you were being watched at any given moment.*

(Orwell 1950, p.13).

The “new” South Africa is not so new. It is indeed as much engaged in a dynamic of rupture with the former regime as it is still deeply marked by the legacy of apartheid. This ambivalence is illustrated by the role that the South African government gives to Information

and Communication Technologies (ICTs)<sup>1</sup> in the construction of a new political and administrative order. These technologies are both undeniable supports of democratisation (open flows of communication, disintermediated production of information, enhanced lobbying capacity etc.) and efficient tools for surveillance and panoptic control<sup>2</sup> over a society. With the multiplication of public and private initiatives promoting the accessibility and utilisation of ICTs, the debate around these issues is gaining momentum in South Africa. Yet, the role of these political technologies in the formation of the “new” South Africa is still an under-examined chapter of the democratic transition. ICTs are penetrating all policies and are renewing deeply the structures of the South African State. In this regard, these technologies provide an original approach to understanding the complex dynamics at work in South Africa, without running the risk of technical determinism.

## ■ A CRITICAL LOOK AT ICTS

Most of the (limited) scientific literature in social sciences dealing with ICTs in South Africa (and Africa) aims at showing the positive impacts of ICTs on “development”. In this chapter, we choose another approach. Rejecting the developmentalist bias, we consider that the status of South Africa as a country can not be reduced to that of a “developing country”. In other words, we analyse issues about ICTs as tools of administrative control as we would for any other country. “Normalising” our outlook on South Africa does not mean denying its specificities. On the contrary, the analysis of ICTs as instruments of panoptic surveillance over society takes into account apartheid legacy as well as the particularities of the country. Furthermore, our approach also contrasts with the extensive development-studies and action-research literature that often forgets the less “virtuous” usage of ICTs.

This double stance, whereby we reject the developmentalist logic and acknowledge the ambivalence of ICTs, is set in a critical sociological perspective that ought to disillusion the naïve description of ICTs as being necessarily favourable to radical democratisation

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<sup>1</sup> As far as UNESCO is concerned, the ICT sector gathers: telecommunication equipments, computers, semi-conductors and other electronic equipment, telecommunication services and software (UNESCO 1999, p.26).

<sup>2</sup> The theme of the Panopticon (of the Greek words pan – all – and optikê – the art of sight) was initiated by Jeremy Bentham in the 18th century and re-examined by Michel Foucault in his book *Surveiller et Punir* in 1975. It originally depicts an architectural model for a penitentiary house and is based on the principle of “seeing without being seen”: thanks to a sophisticated setup of mirrors, a single prison warder can scrutinize a large population of detainees, without being seen. Foucault will elaborate on this in order to develop the idea that in the modern era, power is fundamentally based on the inequality of knowledge between actors (see Bentham J., 1977, *Le Panoptique*, M. Foucault & M. Perrot (Ed.), Paris, Belfond).



(Péjout 2004; Péjout 2003). Whereas ICTs can indeed be tools of political emancipation, under specific conditions, they can also provide the technical capacity to create a rigid social order. In this regard, for a sociology to be critical, it must look at the conditions favouring such emancipation and identify the situations whereby ICTs minimise this dynamic.

## ■ THE DEMOCRATISATION OF TECHNOLOGY: RAPID INVENTORY

Compared to neighbouring countries, South Africa has impressive telecommunication infrastructures. The country has 4,9 million fixed-lined subscribers, with a fixed teledensity<sup>3</sup> of 11,4% (Telkom 2002, p.4 & 26). In contrast, 16,5 million South Africans are cellular subscribers with three networks: Vodacom (9,6), MTN (4,9) and Cell C (2), with a cellular teledensity<sup>4</sup> of 24,9% (Stones, 2003; Scott, 2003; Telkom, op.cit., p.26). Two thirds of the population have no telephone at home, whether fixed or cellular. This national figure hides some high racial inequalities: 80% of Black\* households, 47% of Coloured\* households, 17% of Indian households and 11% of White households have no telephone (SAIRR, 2003, p.412)<sup>5</sup>. Less than 10% of South African households have a computer at home (less than 2% for Black\* households and 46% of White\* households – Temkin, 2003). Despite statistical inadequacies<sup>6</sup>, the number of Internet users is reaching about 3 million for a total population of 45 million (M&G, 2003). Only 4,5% of South Africans over 16 years of age have access to the Internet (SAIRR, p.365). 8,4% of adults staying in the main urban areas have access to the Internet, this figure reaching only 1,3% for Black adults\* (Dix, 2003). Unsurprisingly, the spatial and social distribution of ICTs is still largely unequal, to the detriment of townships, rural areas and the Black\* population.

## ■ ELECTRONIC GOVERNMENT AND ELECTRONIC DEMOCRACY

Analysing ICTs as tools of administrative control has given us the opportunity to draw a distinction between electronic government and electronic democracy. Electronic govern-

<sup>3</sup> Fixed-line teledensity: number of fixed-line telephones per 100 inhabitants.

<sup>4</sup> Cellular teledensity: number of cellular telephones per 100 inhabitants.

<sup>5</sup> Figures compiled par Statistics South Africa and published in its October Household Survey 1999.

<sup>6</sup> The statistical measurement of Internet users generally underestimates reality since it only takes into account the number of Internet subscribers and neglects the many Internet users in public access facilities (cybercafés, telecentres...).

ment implies the use of ICTs in national and local administrative structures, especially when implementing public policies and for service delivery purposes: electronic downloading of forms, electronic payment of pensions and grants, computerisation of databases etc. Electronic democracy is a political regime based on three dynamics: the provision of information to citizens, notably through the distribution of government-related information online; debates and discussions, especially through online discussion fora; deliberation and participation to decision-making processes, through electronic vote and access to the email addresses of elected officials (Vedel 2003). While the concept of electronic democracy informs us about the political nature of the regime using ICTs, that of electronic government does not a priori provide any political characteristic on the regime under consideration, i.e. it might not be democratic. The approach used in this chapter focuses on ICTs as tools of surveillance and panoptic control over contemporary South African society. It therefore deals with the least democratic element of the South African dynamic of electronic government. The structure of electronic government implies indeed a highly rationalised capacity for identification that may rely on a comprehensive list of administrative files. While the collection of personal data can definitely improve service delivery, it can also raise a legitimate fear, that of the omnipresent watch of the governmental.

In this chapter, we will see that the apartheid regime used the first generations of ICTs as early as the 1970s, thanks in particular to imports escaping the embargo. *Control electronics* were then used as the technical auxiliaries to support the regime. The strategic importance given to these technological resources explains how carefully they were talked about during the transition negotiations as they were now supposed to support the democratisation of the country. Ironically, the two successive governments of the “new” South Africa (1994-1999, 1999-2004) have been pursuing the electronic control project devised under apartheid. Despite different objectives and implementation, an administrative and political panopticon seems to have emerged. As such, it could revolutionise the South African administrative scene while affecting deeply the nature of the political regime in place.

## **BACK TO THE PAST: A NEW LOOK AT APARTHEID, THE ERA OF CONTROL ELECTRONICS**

While the apartheid regime has been the subject of numerous analyses tackling various aspects of the 1948-1990 period, its technological structure and more precisely the heavy use of computer and telecommunication technologies in the running of the administrative and political apparatus has been little explored.

■ HOW ICTS IMPROVED APARTHEID ADMINISTRATION

As early as the 1970s, the South African government progressively integrated these tools in the running of the country (Chokshi & al., undated). Computers were considered and utilised as technical auxiliaries for the regime: they were to assist a relatively small administrative structure to control a large population. The computer sector was thus the most advanced in the apartheid business. South Africa had 105 computers in 1964, 341 in 1968 and about 500 in 1971 (First & al., 1972, p.106).

In 1977, only the United States and Great Britain were investing more money in ICTs than South Africa. The country was then totally dependent on imports, the United States being the first provider, followed by Great Britain and Japan<sup>7</sup>. In 1980, 75% of the computers in South Africa were US-made. The increasing need for administrative identification, racial classification and rationalised control over the population pushed computer hardware imports to 69% and the value of sales to 70% between 1983 and 1984 (Knight, 1986). The government was then the first buyer of ICTs, absorbing 41% of computer sales in 1986.

The importance of telecommunication and computer infrastructures and equipment is made obvious by the lawsuits pending in the US against American company IBM, English firm ICL (International Computers Ltd.) and Japanese company Fujitsu<sup>8</sup>. These firms are being charged with having provided the technical support necessary to the administrative implementation of apartheid. In the 1970s, ICL<sup>9</sup> made its best sales in South Africa apart from Europe, providing the computers that were used for the pass book system. The Plural Affairs Department computerised the population registry that was to identify 25 million “Africans”. An impressive database was created, based on different criteria (from name, gender, age, address, photo and familial status to driving license, working place and fingerprints). The govern-

<sup>7</sup> Knight lists 14 American firms (i.e., of which the capital is fully or partially American) providing most of the South African computer market: Amdahl, Apple computer, Burroughs, Control Data, Hewlett-Packard, Honeywell, IBM, NCR, Olivetti, Skok, Sperry, Telex, Wang Laboratories, Ultimate Corporation (Knight, 1986). One could add the joint venture associating the firm Anglo American and the US Computer Sciences Corporation that was offering a worldwide time-sharing network named Infosat, thereby connecting two terminals in South Africa, four in the US, one in Canada and two in Australia (First R & al., op.cit., p.107).

<sup>8</sup> The Alien Tort Claims Act (1789) allows for the prosecution of firms benefiting from commercial interests in the US after causing prejudice anywhere in the world. The first judicial round that was to assess the admissibility of the case does not seem favourable to the complainants (Anaïs, 2003). According to Judge John Sprizzo who is in charge of the case, “being at the scene of a crime is not sufficient [...]. Enjoying the benefits of crime is not enough to prove participation. There’s no indication that the defendants helped shape the policies of the South African government [...]” “We [the United States] do business with China. We do business with Russia”. “We do business with all kinds of countries around the world that you could say arguably violate human rights in ways that are much more egregious than apartheid” (Lauria, 2003).

<sup>9</sup> This firm was operating through a South African branch, ICLEF (International Computers Equipment Finance Corporation). Its pre-taxed profits doubled every year between 1965 and 1970 (First R. & al., op.cit., p.107).

ment could thus rationalise the implementation of the influx control\*. As to the Home Affairs Department, it was storing the “Book of life” files of 7 million citizens classified as “non-Black” in its IBM computers. The firm started its activities in South Africa in 1952, selling its first computers in 1960. In the 1980s, it launched a national advertising campaign for its Law Enforcement System. Simultaneously, Philips was promoting its Access Control System that was registering the identity and movement of people entering and leaving public buildings. AEG-Daimler-Benz Industry was proposing the same equipment.

The electronic automation of the regime was expected to improve the efficiency of the national identification system. In the 1950s and 1960s, it was based on three institutions: the Reference Book or *Bewysboek*<sup>10</sup> nicknamed *Dompas* (the dumb pass); a national registry of fingerprints (primarily for all the Black men above 16 years of age); and the distribution of an identity number to each Black individual (the *persoonsnommer*). The first fingerprint sample made in South Africa dates back to 1900. It was done by Sir Edward Henry, the English creator of the contemporary standard fingerprint classification system. Henry came to the Natal colony in order to help reorganise the local police and establish the first office responsible for registering and analysing fingerprints in Pietermaritzburg<sup>11</sup>. This was supposed to carry out the government’s “panoptic fantasy” and decrease the running costs of dealing with so much information (Breckenridge, 2002a, p.2). However, the implementation capacity of the administration was rapidly overwhelmed: between 1953 and 1955, only 1,3 million Black\* men were registered in the Transvaal, in certain districts of Natal and in a few towns of the Free State. Moreover, only one quarter of the 1,2 million fingerprints collected were classified. These problems led to the mechanisation of the system in order to satisfy “the particularly demented data gathering obsessions of that era” (Breckenridge, 2002b, p.7).

Importing computer technology aiming to rationalise the technical and political running of apartheid was hardly slowed down by the embargo of the United Nations that was voted in 1963 and made compulsory in 1977<sup>12</sup>. The embargo was indeed limiting its scope to military equipments *stricto sensu*. Only in 1985 did the UN Security Council include computers in it and forbid their sales to the South African army and police. Yet, the repression apparatus was not relying solely on these two institutions and no measure was taken to guarantee the effectiveness of the embargo, particularly because South Africa was a solvable market for this kind of equipment and was not considered to be an enemy by the United States during the

<sup>10</sup> For Breckenridge, the office dealing with the Bewysboeke, the Bewysburo, quickly set itself as “the central cog in Verwoerd’s new legislative machine” (Breckenridge, 2002a, p.17).

<sup>11</sup> <<http://www.met.police.uk/so/100years/henry.htm>>, accessed on the 2nd of December 2003.

<sup>12</sup> In his autobiography, F.W. de Klerk recalls precisely the inefficiency of the sanctions against South Africa. F.W. de Klerk was the Minister of Posts and Telecommunications in 1979 (De Klerk, 2000, p.69-70).

Cold War<sup>13</sup>. As a result, telecommunication and computer equipment was easily accessible to other institutions such as the Council for Scientific and Industrial Research (CSIR) that, at the time, was developing military applications essentially. By the same token, “civil” departments of the repressive regime (statistics, communications and public works among others), although less directly involved in the political acts of violence, could easily equip themselves or act as fictitious purchasers for the army or the police force.

### ■ *ICTs IN THE DEMOCRATIC TRANSITION*

The historical situation into which the first generations of ICTs played a crucial role explains the importance given to information and communication stakes during the transition negotiations of the 1990s. During the proceedings conducted between 1990 and 1992 within the Convention for a Democratic South Africa (CODESA), issues relating to telecommunication were fiercely debated, especially those concerning the implementation of the most suitable economic model (Horwitz, 2001). On the 22nd of September 1993, the government issued two cellular phone licences to Vodacom and MTN. A week later, this decision was questioned within the CODESA. The ANC\* and COSATU\* were indeed criticising the unilateral decision-making process dealing with the privatisation and restructuring of the telecommunication industry. The party even mentioned the possibility of cancelling this decision once in power, arguing that no black economic empowerment (BEE\*) was taken into consideration and that no regulation had been implemented. The ANC\* preferred a Telkom-affiliated public agency to provide cellular phone services. The negotiations that involved several actors (Vodacom, MTN, the Department of Posts and Telecommunications, the ANC\*, the COSATU\* and the POTWA, Posts and Telecommunications Workers Association) were finalised in October 1993. A compromise was reached: the two cellular phone licences remained and the two firms sold 5% of their capital for BEE\* schemes. In 1996, 5% of Vodacom’s capital was sold to Hosken Consolidated Investments, an investment fund that was run by two trade unions, SACTWU (SA Clothing and Textile Workers’ Union) and NUM\* (National Union of Mineworkers) for 118 million Rand (Vodacom, 2003, p.12-13).

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<sup>13</sup> In 1954, the Director of the Bewysburo was in contact with J. Edgar Hoover, then Director of the American Federal Bureau of Investigation (FBI; Breckenridge, 2002a).

As for fixed-lined telephones, public firm Telkom South Africa Limited was created in October 1991. The firm’s capital is shared between the government (39,3%), the consortium Thintana Communications (30%)<sup>14</sup>, individual shareholders (27,7%)<sup>15</sup> and the BEE group Ucingo Investments (3%). The exclusivity period granted to Telkom from 1996 to 2002 was justified on two grounds: the public operator needed to prepare itself for the liberalisation of the telecommunication market and it should use these six years to extend universal access and universal service<sup>16</sup>.

By demanding the participation of the public authority in the telecommunication sector, the ANC\* wanted to promote a political project in which telephones and the Internet would be the technological guarantee of a new democratic regime<sup>17</sup>. In 1994 indeed, the Reconstruction and Development Programme (RDP\*) highlighted the importance of a “population that is empowered through [...] meaningful information” disseminated by a “transparent government”. A priority is given to the development of a “democratic information programme” that would facilitate “open debate and transparency in government and society”, an “active exchange of information and opinion among all members of society” and a “free flow of accurate and comprehensive information”. In this regard, the vision offered is one of open and democratic society, to break away from a political past where “the state became increasingly secretive and militarised” and “decreasingly answerable, even to the constituency it claimed to represent (ANC, 1994), and to break away from “the system of government in South Africa before 27 April 1994 [...] that resulted in a secretive and unresponsive culture in public and private bodies which often led to an abuse of power and human rights violations” (RSA 2000, p.2).

## ■ BACK TO THE FUTURE: BIG BROTHER IN SOUTH AFRICA?

The first generations of ICTs played an important role in building apartheid. The aim of the “new” South Africa today is to use these technologies for new dynamics made of political

<sup>14</sup> In 1997, 30% of the capital was sold to the consortium gathering American firm South Bell Communications and the Malaysian group Telkom Malaysia Berhad.

<sup>15</sup> The initial public offering (IPO) was made on the 4th of March 2003 when Telkom was being listed on the New York and Johannesburg Stock Exchanges.

<sup>16</sup> A second fixed-lined phone licence should be issued in 2004. Its capital will be composed as follows: 30% for public firms Transtel and Eskom, 19% for BEE\* consortium Nexus Connection, 13% for each of the consortiums Communitel and Two Consortium. The remaining 25% stay in the hands of the government, while a private investor is being looked for.

<sup>17</sup> The ANC\* itself relied heavily on ICTs to set up the secret communication architecture between its underground units based in South Africa and its delegations abroad (cf. the history of the Vula Operation by Tim Jenkin in *Mayibuye*, the ANC\* magazine, 1995, n°1-6).

democratisation, economic development and the construction of a deracialised social order. For the government, the construction of an electronic public order is a “sign of modernity” (Chipkin, 2002, p.165). Public and private initiatives to democratise ICT accessibility and utilisation are numerous. The public rhetoric of the government boasts the administrative and political benefits to be gained from ICTs. This chapter will not reiterate these benefits but look at ICTs as tools for the new administrative control of society which is not an unexpected undesired effect but a fully planned utilisation of these technologies as auxiliaries for a tight administration of South African society.

Ironically, the governments of the “new” South Africa have been implementing what could be called a high-tech panopticon that had already been devised under apartheid in the 1970s. At the time, it was designed to improve the surveillance capacity of the State and the rationalised administration of the population. National and International criminal activities (since September 11, 2001) have reinforced this trend<sup>18</sup>. The will to rationalise the administrative apparatus explains also why the South African State is using ICTs increasingly with a view to improving its service delivery capacity. Rationalising public structures and modes of intervention is expected to promote enhanced performance, based on higher efficacy and efficiency. We will use the HANIS Project (Home Affairs National Identification System) as an example to document the use of ICTs as tools for panoptic control<sup>19</sup>.

#### ■ THE HANIS SYSTEM: TECHNOLOGICAL FOUNDATION OF THE SOUTH AFRICAN ELECTRONIC GOVERNMENT

Proposing the administrative panoptical surveillance of South African society is less about totalitarian political logic than a drive to rationalise the actions of the State. In this regard, the Department of Home Affairs (DHA), under the leadership of newly appointed Director-General Barry Gilder, since May 2003, is developing a turn-around strategy, a technological revolution named *ITingwe*<sup>20</sup>. The Department intends to do away from “ICT prehistory”, launch an “ICT revolution” and make extensive use of technotronics.

<sup>18</sup> The public firm COMSEC was created in 2002. Its mandate is to “ensure that critical electronic communications are protected and secure”. The main objective is to “protect and secure critical electronic communications against unauthorised access or technical, electronic or any other related threats” (RSA 2002a, p.4). The firm is also to provide verification, certification, consulting, training and research-development services. Surprisingly, it can invest in the capital of private firms.

<sup>19</sup> The creation of a “new electronic public order” in South Africa also involves the Electronic Communications and Transactions Act (RSA, 2002b), the Regulation of Interception of Communications Act (RSA, 2002c) and the acquisition of the DIRT software (Data Interception by Remote Transmission) by the police force and the army.

<sup>20</sup> *Ingwe* is the Zulu word for “leopard”. It is here merged with the acronym IT for information technology (Gilder, 2003).

In the context of extreme rationalisation of the administrative apparatus, the HANIS project is the core piece of the electronic government’s infrastructure. It must provide a “centralized database housing the existence and activities of South African citizens”<sup>21</sup>. Imagined by the DHA as early as 1993, it was approved by the Cabinet in January 1996 for a total initial budget of about one billion Rand<sup>22</sup>. In February 1999, the tender was attributed to the Marpless consortium among nine candidates<sup>23</sup>. It is the largest civil contract involving the government and a consortium<sup>24</sup>. On 31 January 2000, the Minister of Home Affairs, Mangosuthu Buthelezi, launched the project officially. Fifty-six DHA civil servants were assigned to deploy the system (DHA, 2002, p.16).

The objectives of HANIS are numerous: improving the identification of the population<sup>25</sup>, reducing fraud by 35%, particularly concerning the payment of grants (DHA, 2001, p.47)<sup>26</sup>, delocalising the National Identification System (Buthelezi, 2003b), strengthening national security, against terrorist attacks in particular by improving individual identification (Buthelezi, 2003a), controlling access to public places and accelerating administrative procedures<sup>27</sup>. More generally, the system must “change the face of governance, public service delivery, civic life and business” (Buthelezi 2002). Although the DHA is the most solicited department in this project, no less than 13 other public institutions have been associated to the process and gathered in an inter-ministerial technical committee.

The HANIS system consists of three main elements. The first element, the Automated Fingerprint Identification System (AFIS), is a fingerprint recognition system developed by NEC. Creating the national automated fingerprint database requires the 43,2 million fingerprints stored on paper to be digitized by the DHA (DHA 2002, p.49)<sup>28</sup>. Current fingerprints are progressively being scanned and digitized through a back record conversion process. New fingerprints, those of people applying for an identity document (ID) for the first time, are directly stored in the HANIS system. By 10 November 2003, 1,6 million had been registered

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21 < <http://home-affairs.pwv.gov.za/projects.asp> >, accessed on 15 November 2003.

22 The 2002/2003 annual budget of the DHA was 1,9 billion Rand (Gilder, 2003).

23 The Marpless consortium is a joint venture between Japanese conglomerate Marubeni Inc. and South African firm Plessey (jointly owned by Dimension Data and Worldwide Africa Investment Holdings). It works in close co-operation with other partners involved in the HANIS project such as NEC, Unisys and the BEE\* consortium GEN made of Gijima Information Technologies and Everest System Solutions.

24 According to David Mukhari, HANIS project manager with Marpless (interview, 25 November 2003).

25 The new biometric identification system will indeed give unique characteristics to each individual, i.e. fingerprints.

26 Fraudulent attribution of social grants causes a loss of about 2 billions Rand per year.

27 According to Gareth P. Warner, independent consultant contracted by the DHA and working on HANIS since 2000, the average process time for ID request is about 6 weeks, due in particular to manual verifications carried out in the registry of fingerprints made by about 100 experts (interview, 8 December 2003).

28 Site visit on 8 December 2003 thanks to Gareth P. Warner.



since August 2002<sup>29</sup>. In this regard, the Integrated Client Service Console (ICSC) will enable citizens to record their fingerprints, photo and signature with the assistance of civil servants. This facility will also be available in rural areas thanks to the 67 mobile units to be connected to the DHA by GSM or satellite. The five refugee offices, maternities and the Lindela Centre (for undocumented immigrants) will also be connected. The delay for having an ID would thus be reduced to 48 hours (Gilder, 2003). The AFIS system shall also give the opportunity to rewrite the National Population Register between 2003 and 2006, for a total budget of 115 million Rand (Lambinon, 2003).

The South African Multi-Application Identification Card (SAMID) is the second element of the HANIS project. Although the initial version was relying on bar-coded cards, in July 2001 the Cabinet finally chose to use the microchip-based smart card technology in order to gather as much information as possible and extend the range of services proposed. The current green identity book will be replaced by a smart card that will combine fingerprints, ID photo, identity number and a microchip containing a large amount of personal information. The card will store various other information such as number and payments of unemployment insurance; health information (blood group, allergies, list of last ten medical treatments and prescriptions); social grants (child, house); number, place and amount of payments for pension grants; driving licence and car registration; tax-related information (Brümmer, 2002a).

A tender should have been published in mid-2004<sup>30</sup>. The production and distribution of smart cards will then be implemented by a private firm in a public-private partnership (PPP) to be negotiated in September 2004. Smart cards will primarily be distributed in urban areas, on the (risky) ground that rural populations have limited needs that do not legitimate using such technology. The lifespan of smart cards is about 10 years, given the speed of technological change. The cost of implementation for the production and distribution of smart cards is evaluated at 2,5 billion Rand (Brümmer, 2002b). The first cards will be distributed to pensioners in order to accelerate payment of their grants (DHA, 2001, p.48). The cost to be paid by each citizen for a card is still under discussion. The card could be free. If not, it could cost around 60 Rand.

The third and last element of the HANIS project is its integration in the National Population Register. The firm Unisys needs to integrate the different elements of the system (image

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<sup>29</sup> Mukhari (interview, 25 November 2003). According to Barry Gilder, the figure could reach 2 million (Gilder, 2003). By 1 September 2003, more than 1,3 million fingerprints had been entered into the new system (Masettha, 2002; Buthelezi, 2003b). Marple provided the first technical structure of HANIS to the DHA in February 2002 (basic commissioning). The firm is training DHA civil servants to use the system.

<sup>30</sup> According to Gareth P. Warner (interview, 8 December 2003).

capturing, verification of matching identities on the database, deployment of telecommunication infrastructure).

Out of a budget of one billion Rand, 90% have been spent<sup>31</sup>. New financial resources could be poured into the project, with a larger role given to HANIS since the nomination of Barry Gilder. As for the sequel of the film *Matrix*, one now talks of HANIS Reloaded. Indeed, the database should now integrate all individuals interacting with the department: citizens, residents, visitors, refugees, undocumented migrants (Gilder, 2003). All the databases of the DHA will be integrated. For instance, the Movement Control System, once integrated in HANIS, will make it possible to rationalise immigration movement monitoring. With a budget of 146 million Rand, the system must connect the 57 entry points in South Africa and guarantee the electronic registration of all arrivals and departures thanks to the distribution of temporary smart cards detailing the identity of foreigners and giving details of their sojourn. Priority will be given to the Lindela Centre (Lambinon, 2003). The HANIS project is expected to be fully operational by 2005.

#### ■ HANIS: BETWEEN ADMINISTRATIVE EFFICIENCY AND PANOPTIC CONTROL

The HANIS project is ambitious. It aims to bring a technological revolution in the administrative practices of the South African State. For the DHA, HANIS will bring the country to world-class level in providing civic services (DHA 2001, p.11). In the opinion of then Minister of Home Affairs Mangosuthu Buthelezi, there was no doubt that HANIS would position South Africa as a leader in national identification capacity (Buthelezi 2003a). Despite the potential advantages of such a system (e.g. less fraud and enhanced service delivery to citizens), HANIS raised crucial political problems. We will limit our analysis to three: making personal data public, privatising personal data and, more generally, the panoptification of society.

The smart card is to gather numerous personal information detailing the profiles and daily activities of every individual. This data would be accessible to diverse institutions (from the Department of Social Development to the Intelligence Services) thereby fostering the emergence of a “networked State” (Breckenridge, 2002b, p.11). A safeguard method could consist in compartmentalising data and allowing each institution to access only the

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<sup>31</sup> According to Gareth P. Warner (interview, 8 December 2003).

information it requires to execute its mandate. Nevertheless, the databases of the DHA and the police force are based on the same technical architecture so as to facilitate their joint utilisation<sup>32</sup>. The police force views this possibility as a priceless opportunity to fight against crime<sup>33</sup>. Moreover, the Departments of Justice, Correctional Services and Social Development could cross-utilise their own sets of data, thanks to the Court Process Project.

Beyond public institutions, private institutions could also have access to this data. In this light, a financial facility (e-purse function) could be set up to the benefit of banks, insurance companies and medical aid companies. The DHA is satisfied with the increasing commercial interest shown by private companies in verifying identity online (DHA 2002, p.16). Indeed, the Department sees in this an opportunity to generate high revenues from the access rights. Fighting against fraud could justify further commercialising privacy and making it public (Buthelezi, 2002).

More generally, the HANIS project can be seen as the technological basis of a panoptic structure making it possible to have detailed and personal information about the life of every individual, down to HIV status. In the current legal environment, such an intrusion of privacy appears illegal (Van Tonder, 2003). The HANIS system could help realise the project of the former regime, “the fantasy of administrative panopticism – the urgent desire to complete and centralise the knowledge of the State on its citizens”. One could even see in it the “informational legacy of apartheid itself” (Breckenridge 2002b, p.3 & 13)<sup>34</sup>. The administrative performance of this former totalitarian regime was indeed largely relying on identification and racial classification capacities. In this regard, it comes as no surprise to note that one of the first laws passed by the regime was the Population Registration Act in 1950 (Posel, 2001). The DHA and Marpless are well aware of this heavy legacy but contend that their project is orientated towards a different philosophy, that of service delivery. Since the HANIS project is not yet operational, it is still too early to criticise possible side effects. Moreover, legal provisions are being provided for to avoid any abuse in the system. The DHA

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<sup>32</sup> According to Gareth P. Warner (interview, 8 December 2003). The criminal archives of the South African Police Service (SAPS) are stored in Pretoria. They contain the fingerprints of 4,5 million criminals. The oldest ones date back to 1925. The stock increases by 5% every year. 3 500 daily requests are dealt with by 100 experts. The average processing time was 55 days. Since 2001, it has been reduced to 48 hours after implementing an AFIS system bought from French firm SAGEM for 120 million Rand. The stock is now available on two CDs (Steinberg, 2001). The association Business Against Crime worked closely with the government in order to guarantee the quick setup of the system (Marrs, 2002). The SAPS is also equipping its vehicles with Morphotouch terminals that scan and identify fingerprints on a database populated with 50 000 files.

<sup>33</sup> Opinion of Piet du Toit, Assistant Commissioner and Director of the Criminal Record Centre (interview, 18 February 2004).

<sup>34</sup> By the same token, for Brümmer, HANIS “is concretising what the DHA had already dreamed of back in the 1980s”: “a tool for social control in the age of information, more powerful than the apartheid *dompas* (Brümmer, 2002a).

<sup>35</sup> According to Gareth P. Warner (interview, 8 December 2003). See also Breckenridge (2002b).

already asserts that it will have “the biggest civil automated digital fingerprint identification system in the world”<sup>35</sup>. Other countries are taking a similar path. Marpless has already provided an AFIS to the Namibian Government and is still exploring commercial opportunities in Botswana, Ghana and the Democratic Republic of Congo<sup>36</sup>.

## CONCLUSION

The main objective of building up an electronic government infrastructure in South Africa is to improve service delivery. South Africans are no longer satisfied with symbolic democracy (i.e. obtaining rights) and are from now on expecting to benefit from material democracy through the rapid delivery of goods and services. While ICTs can indeed foster – and are already fostering – democratisation, the background of this project remains problematic: the State is engaged in a panoptification dynamics that could become abusive were adequate safeguarding measure not being implemented. Of note, the HANIS project has stirred up very little reaction in South African society so far.

Analysing ICT usage for rationalisation and administrative control purposes highlights the ambivalence of the concerned technology that can be used efficiently to support a democratic as much as a totalitarian government<sup>37</sup>. The main difficulty emerging from the use of this politico-administrative technology resides in its fragile positioning between the two following dynamics: the quest for maximum administrative efficiency and the construction of an ever tighter surveillance structure.

<sup>36</sup> According to David Mukhari (interview, 25 November 2003).

<sup>37</sup> The term “totalitarian government”, in this chapter, refers to the project of a “total State” for which surveillance structures provide the foundation of an omnipresent administration, thereby leading to the disappearance of privacy (Ferry L. & Pisier-Kouchner E., 1985; Ansart, 1985).

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